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7                   **UNITED STATES DISTRICT COURT**  
8                   EASTERN DISTRICT OF CALIFORNIA  
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10 TRAVIS JUSTIN CUELLAR,

Case No. 1:20-cv-00579-NONE-SKO

11                   Plaintiff,

ORDER DIRECTING CLERK'S OFFICE  
TO REDESIGNATE CIVIL RIGHTS  
ACTION (440) AS A PETITION FOR WRIT  
OF HABEAS CORPUS (530)

12                   v.  
13 BROOK BERGMAN, Madera County District  
Attorney,

(Doc. 1)

14                   Defendant.

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17         Plaintiff Travis Justin Cuellar, a prisoner proceeding pro se, filed a civil action on April 23,  
18 2020. (Doc. 1.) Upon review of the complaint, Plaintiff's allegations relate entirely to his  
19 conviction in a state court criminal case, including the prosecutor's alleged facilitating of  
20 "eavesdropping by sending a prosecuting agent to eav[e]sdrop on a private attorney-client meeting  
21 in an in custody holding area in the Madera Superior Courthouse." (*Id.* at 5.) Plaintiff alleges that  
22 this eavesdropping resulted in Defendant "obtain[ing] incriminating information, resulting in a  
23 conviction of Plaintiff." (*Id.*) Further, Plaintiff does not request damages, but instead requests  
24 that the Court "consider the plaintiff's sentence time served based on the constitutional violations  
25 suffered" and "reverse conviction and/or dismiss charges." (*Id.*) Thus, the action appears to be  
26 more appropriately designated as a petition for habeas corpus under 28 U.S.C. § 2254, rather than  
27 a civil rights action under 42 U.S.C. § 1983.  
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1 Accordingly, the Court HEREBY ORDERS the Clerk of Court to re-designate this action  
2 from 440 (other civil rights) to 530 (habeas corpus).

IT IS SO ORDERED.

5 Dated: April 28, 2020

Is/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE